

HOUSE BILL REPORT

HB 1171

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to dissolution.

Brief Description: Limiting the court's discretion concerning denial of dissolution decrees.

Sponsors: Representatives Dickerson, Moeller, Cody, Roberts, Schual-Berke, Appleton, Morrell, Darneille, Chase, Kenney and Ormsby.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/4/05, 2/9/05 [DPS].

Brief Summary of Substitute Bill

- Prohibits the court from using a party's pregnancy as the sole basis for denying or delaying a dissolution of marriage.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Kara Durbin (786-7133).

Background:

In Washington, the word "divorce" has been replaced by the term "dissolution." Washington is a "no-fault" state, which means that either spouse may ask the court to dissolve the marriage by stating that the marriage is "irretrievably broken." The other party can delay, but not stop, the dissolution by alleging that the marriage is not irretrievably broken.

To start a dissolution proceeding, one spouse must file with the court a summons and petition for dissolution of marriage. If the other party joins in the petition or does not deny that the marriage is irretrievably broken, the court may enter a decree of dissolution 90 days after the petition for dissolution of marriage has been filed with the court. The decree of dissolution legally terminates the marriage and makes provisions for the parenting of minor children, family support, and the division of property and liabilities.

Summary of Substitute Bill:

The substitute bill prohibits the court from using a party's pregnancy as the sole basis for denying or delaying entry of a decree of dissolution of marriage. This prohibition does not affect further proceedings under the Uniform Parentage Act.

Substitute Bill Compared to Original Bill:

The substitute bill broadens the prohibition by replacing the word "petitioner" with the word "party." It also adds that a court may not delay entering a decree of dissolution based on the party's pregnancy. In addition, it clarifies that granting a decree of dissolution of marriage when a party is pregnant does not affect further proceedings under the Uniform Parentage Act (UPA).

Appropriation: None.**Fiscal Note:** Not requested.**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.**Testimony For:** This bill is important for victims of domestic violence who might otherwise have to stay married. There is confusion over the state of the law on this issue. Existing law does provide that the dissolution shall be entered; it doesn't specify that the judge has discretion when a party is pregnant. Under current law, the dissolution statute read in conjunction with the UPA provides adequate protections to ensure the legitimacy of the child. This bill makes it clear that the judge does not have discretion to deny a dissolution decree when a party is pregnant. This bill is needed because the practice is not uniform among judges from county to county.**Testimony Against:** None.**Persons Testifying:** (In support) Representative Dickerson, prime sponsor; Teri Sloyer; Rick Bartholomew, Washington State Bar Association/Family Law; and Sara Ainsworth, Northwest Women's Law Center.**Persons Signed In To Testify But Not Testifying:** None.